

**REMARKS**

This amendment is responsive to the Final Office Action dated July 20, 2004. No amendments have been made with this communication. Claims 1-19 and 26-37 are currently pending.

**Claim Rejections Under 35 U.S.C. §§ 102, 103**

In the Office Action, the Examiner maintained the rejection of claims 1-2, 4-5, 7-8, 10, 14-15, 18, 26-27, 29-31, and 36 under 35 U.S.C. 102(e) as being anticipated by Greco (US 2003/0070056 A1). In addition, the Examiner maintained the rejection of claims 3, 6, 9, 11-13, 16-17, 19, 28, 32-35 and 37 under 35 U.S.C. 103(a) as being unpatentable over the Greco reference in view of Albrecht et al., (US 2002/0159185 A1), Poltkin et al. (US 5,297,124), and Goodman et al. (US 2002/0169521 A1).

In the Office Action, the Examiner stated that Applicants' declaration filed on May 5, 2004 under 37 CFR 1.131 was ineffective to overcome the Greco reference. Specifically, the Examiner stated that the evidence submitted was insufficient to establish a conception of the invention prior to the effective date of the Greco reference because the Applicants failed to provide a clear explanation of exactly what facts are established and relied upon from the exhibit with respect to the claim limitations. The Examiner also stated that the evidence was insufficient to establish diligence as the Applicants failed to set forth specific dates and facts from a date prior to the effective date of the Greco reference to the U.S. filing date of to present application.

With this Response, the Applicants have submitted signed copies of a Supplemental Declaration under 37 C.F.R. 1.131. The Supplemental Declaration provides a clear explanation of exactly what facts are established and relied upon with respect to the claim limitations for purposes of establishing conception, and sets forth specific dates and facts from a date prior to the effective date of the Greco reference to the U.S. filing date of the present application for purposes of establishing diligence. Applicants submit that the Supplemental Declaration and accompanying Exhibits establish that the Applicants conceived the inventions set forth in claims 1-19 and 26-37 of this application prior to October 5, 2001, and worked on such inventions with reasonable diligence from prior to October 5, 2001 to the filing date of this application. Accordingly, in view of the Declaration and Exhibits, Applicants respectfully submit that the

rejections of claims 1-19 and 26-37, which are based upon the Greco reference having an effective date of October 5, 2001 under 35 U.S.C. § 102(e), should now be withdrawn.

Applicants do not acquiesce to or admit in any way to the propriety of the rejections advanced by the Examiner under sections 102 and 103 with respect to claims 1-19 and 26-37. On the contrary, such claims recite a number of features that are neither disclosed nor suggested by the applied references. The Declaration should render moot such rejections in accordance with 37 C.F.R. 1.131 and expedite allowance of the pending claims.

No new issues have been raised by way of this response, and the evidence set forth in the Supplemental Declaration and accompanying Exhibits overcome the Greco reference and place the claims in condition for allowance.

### **CONCLUSION**

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 09-0069. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

9/29/04

Imation Legal Affairs  
P.O. Box 64898  
St. Paul, Minnesota 55164-0898  
Telephone: (651) 704-3604  
Facsimile: (651) 704-5951

By:



Eric D. Levinson  
Name: Eric D. Levinson  
Reg. No.: 35,814